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September 12, 2018

**VIA ELECTRONIC FILING**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Docket No. 2018-197-E – Application of South Carolina Electric & Gas Company for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of the Pepperhill - Summerville 230 kV Line, the Williams-Pepperhill 230 kV Line Segment, the Canadys- Faber Place 230 kV Line Segment and Associated Facilities and for Certain Like Facility Determinations

Dear Ms. Boyd:

Enclosed for filing on behalf of South Carolina Electric & Gas Company (“SCE&G” or “Company”) and the South Carolina Office of Regulatory Staff is the Joint Motion for Expedited Review and Disposition without a Hearing (“Joint Motion”) in the above-referenced docket. Also attached to the Joint Motion are Verifications of SCE&G witnesses Joseph Wade Richards and Nathan V. Bass, PLA.

If you have any questions, please advise.

Very truly yours,

Matthew W. Gissendanner

MWG/kms  
Enclosure

cc: Mr. Jeffrey M. Nelson, Esquire  
Ms. Jenny R. Pittman, Esquire  
Mr. Michael S. Traynham, Esquire  
Ms. Susan A. Lake, Esquire  
Mr. Alvin A. Taylor  
Mr. Duane Parrish  
(all via first class U.S. Mail and electronic mail)

**DOCKET NO. 2018 - 197 - E**

Application of South Carolina Electric & Gas Company for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of the ~~Pepperhill~~ <sup>Williams</sup> Summerville 230 kV Line, ~~Pepperhill~~ <sup>Williams</sup> - ~~Pepperhill~~ <sup>Williams</sup> 230 Line Segment, ~~Canady~~ <sup>Williams</sup> - Faber Place 230 kV Line Segment, and Associated Facilities and Request for Like Facilities Determinations.

Pursuant to S.C. Code Ann. Regs. 103-829 and other applicable rules of practice and procedure of the Public Service Commission of South Carolina ("Commission"), South Carolina Electric & Gas Company ("SCE&G" or "Company") and the South Carolina Office of Regulatory Staff ("ORS") (together, the "Parties") hereby jointly move that the Commission perform an expedited review of the Company's Application for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of the Pepperhill – Summerville 230 kV Line, Williams – Pepperhill 230 Line Segment, Canadys – Faber Place 230 kV Line Segment, and Associated Facilities and Request for Like Facilities Determinations ("Application") in the above-referenced docket and approve the provisions of the Parties' Stipulation and grant the relief requested in the Company's Application. The Parties further move that the Commission admit the Company's Application, the pre-filed testimony of SCE&G and ORS, and the Stipulation between the Parties into the record and use its

discretionary authority to informally dispose of the proceeding without holding a formal hearing.

In support of the joint motion, the Parties would show the following:

1. As described in detail in the Application, SCE&G seeks a Certificate of Environmental Compatibility and Public Convenience and Necessity ("Certificate") to construct and operate the Pepperhill – Summerville 230 kV Line, Williams – Pepperhill 230 kV Line Segment, Canadys – Faber Place 230 kV Line Segment, and Associated Facilities (collectively, the "Lines") in Berkeley and Charleston Counties, South Carolina. SCE&G also requests that the Commission make a determination, as authorized by S.C. Code Ann. § 58-33-110(1) (2015), that the rebuild of the existing Summerville – Williams 230 kV Line between Summerville and Ladson Junction constitutes "the replacement of an existing facility with a like facility" and therefore does not constitute "construction of a major utility facility" for which certification would be required under the Utility Facility Siting Act and Environmental Protection Act ("Like Facility Determination").

2. On June 26, 2018, the Commission scheduled a hearing on the Application for Wednesday, September 12, 2018, and issued a Notice of Filing and Hearing and Prefile Testimony Deadlines ("Notice").

3. In compliance with the Commission's directions, SCE&G published the Notice in newspapers of general circulation in the affected areas by July 12, 2018. The deadline for filing petitions to intervene in the proceeding was August 2, 2018. No comments or petitions to intervene have been filed. The ORS, the South Carolina Department of Health and Environmental Control, the South Carolina Department of Natural Resources, and the South Carolina Department of Parks, Recreation, and Tourism (without ORS, "Other Parties of Record") are parties pursuant to statute.

4. On August 8, 2018, SCE&G filed the direct testimony and exhibits of Joseph Wade Richards and Nathan V. Bass, PLA. Verifications of their testimony and exhibits are attached hereto.

5. On August 22, 2018, ORS filed the direct testimony of Anthony M. Sandonato.

6. The ORS contacted the Other Parties of Record, and the Other Parties of Record informed ORS that they do not have any concerns regarding the Company's Application.

7. On August 28, 2018, the Parties filed a stipulation ("Stipulation") in which they agreed to stipulate into the record before the Commission the direct testimony and exhibits of Mr. Richards, Mr. Bass, and Mr. Sandonato. The Parties further agreed that ORS will recommend that the Commission approve SCE&G's Application and grant SCE&G a Certificate for the Pepperhill – Summerville 230 kV Line, the Williams – Pepperhill 230 Line Segment, the Canadys – Faber Place 230 kV Line Segment and associated facilities, as requested in the Application; that ORS has no objection to and will not oppose SCE&G's request for the Like Facility Determination, as set forth in the Application; that SCE&G agrees to follow all South Carolina, Commission and local government regulations and laws arising from matters set forth in the Application; and that SCE&G will notify ORS and the Commission when the facilities begin commercial operation and of any changes to the planned commercial operation dates.

8. On September 10, 2018, Governor Henry McMaster issued Executive Order 2018-30, which, among other things, ordered the closure of all state government offices for all non-essential personnel in Richland County, where ORS is headquartered, and Lexington County, where the Commission is located, to support Hurricane Florence evacuation operations. By the order, the closure of state government offices began September 11, 2018, and is scheduled to run for the period of the evacuation.

9. By electronic mail, dated September 11, 2018, the Commission's Standing Hearing Officer informed ORS and SCE&G that the hearing scheduled for September 12, 2018, was cancelled as a result of the Hurricane Florence evacuations and the closure of state government offices.

10. SCE&G is currently scheduled to begin construction of the Lines in early April 2019, with prep work, e.g., installing access, laying out mats, laying poles on the ground, etc., beginning as early as mid-February 2019. To support this schedule, SCE&G desires to begin purchasing materials as early as October 2018. SCE&G desires an order from the Commission granting the Certificates and the Like Facility Determination prior to purchasing the materials.

11. ORS intends to file a verification of Mr. Sandonato's direct testimony once its offices reopen.

### **ARGUMENT**

12. In light of the scheduling challenges presented by the closure of state government offices as a result of the Hurricane Florence evacuations and the desire for SCE&G to begin purchasing materials for construction, SCE&G and ORS seek expedited review of the Application on the grounds that (1) the S.C. Administrative Procedures Act ("APA") grants the Commission flexibility regarding hearings in contested matters; (2) notice and the opportunity to present written evidence is sufficient to provide procedural due process protection; and (3) due process requirements are satisfied if the Parties waive the right to a hearing when there is no disputed material issue of fact.

13. Administrative agencies in South Carolina "are required to meet minimum standards of due process. Due process is flexible and calls for such procedural protections as the

particular situation demands.” Stono River Envtl. Prot. Assoc. v. S.C. Dept. of Health and Envtl. Control, 305 S.C. 90, 93-94, 406 S.E.2d 340, 342 (1992) (citations and quotations omitted).

14. The Administrative Procedures Act (“APA”) provides that “[i]n a contested case, all parties must be afforded an opportunity for hearing after notice not less than thirty days . . . .” S.C. Code Ann. § 1-23-320(A). The provisions of the APA ensure that procedural due process requirements are satisfied. The APA also provides some flexibility to agencies regarding hearings for contested cases in that “[u]nless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.” S.C. Code Ann. § 1-23-320(F).

15. SCE&G published the Notice as required by the Commission. Therefore, notice and an opportunity for a hearing have been provided. No other parties have intervened in the docket or filed comments or testimony in this docket. The Other Parties of Record have indicated to ORS that they have no concerns with the Application. As such, the Parties respectfully requests that the Commission dispose of the proceeding without requiring a formal hearing.

16. The Parties are requesting that the hearing requirement be waived. “Parties to administrative proceedings may . . . waive their rights to administrative hearings and formal dispositions.” 2 Am. Jur.2d *Administrative Law* § 293.


17. Agencies may dispense with hearing where there is no genuine dispute as to a material issue of fact. 2 Am. Jur.2d *Administrative Law* § 290. Here, the Parties have entered into the Stipulation, and there are no intervenors opposing the Application. Therefore, there is no material issue of fact to be decided at a formal hearing.

18. In addition to the Stipulation, SCE&G has presented information on the proposed Lines in the Application and the verified direct testimony of Mr. Richards and Mr. Bass, and the ORS has presented its support for the Company's Application in the direct testimony of Mr. Sandonato, for which ORS intends to file a verification once its offices reopen. Based on the foregoing, and in light of events surrounding Hurricane Florence, the Parties assert that a full evidentiary hearing on the Application is unnecessary.

WHEREFORE, the Parties respectfully requests that the Commission (i) perform an expedited review of the Company's Application in the above-referenced docket; (ii) admit the Company's Application, the pre-filed testimony of SCE&G and ORS, and the Stipulation between the Parties into the record; (iii) exercise its discretion to informally dispose of the proceeding without holding a formal hearing; and (iv) approve the provisions of the Parties' Stipulation and grant the relief requested in the Company's Application, i.e., issue a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Lines and issue a like facility determination for the rebuild of the approximately 3.94-mile segment of the Summerville – Williams 230 kV Line.

**[SIGNATURE PAGE FOLLOWING]**

Respectfully submitted,



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Attorneys for Intervenor  
South Carolina Office of Regulatory Staff

Cayce, South Carolina  
September 12, 2018



**DOCKET NO. 2018-197-E**

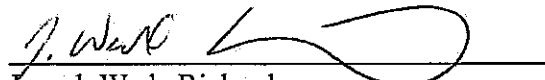
**Application of South Carolina Electric & Gas Company for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of the Pepperhill – Summerville 230 kV Line, Williams – Pepperhill 230 Line Segment, Canadys – Faber Place 230 kV Line Segment, and Associated Facilities and Request for Like Facilities Determinations.**

## VERIFICATION

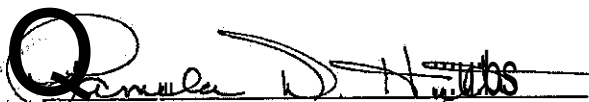
**I, JOSEPH WADE RICHARDS, first being duly sworn, depose and say that:**

1. I am employed by South Carolina Electric & Gas Company as a Senior Engineer in Transmission Planning;
2. I have read my direct testimony pre-filed with the Public Service Commission of South Carolina in Docket No. 2018-197-E on August 8, 2018, and know the contents thereof, and the contents of said pre-filed direct testimony are true;
3. I caused to be prepared the map attached to my pre-filed direct testimony as Exhibit No. \_\_ (JWR-1), and the contents of said map are true and accurate.

FURTHER AFFIANT SAYETH NOT.

  
Joseph Wade Richards

Sworn to and subscribed before me  
this 11th day of September, 2018

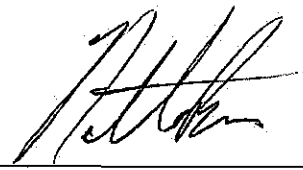
  
Notary Public for South Carolina  
My Commission Expires: February 6, 2023

**Application of South Carolina Electric & Gas Company for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of the Pepperhill- Summerville 230 kV Line, Williams- Pepperhill 230 Line Segment, Canady- Faber Place 230 kV Line Segment, and Associated Facilities and Request for Like Facilities Determinations.**

1. I am employed by Pike Engineering, LLC (f/k/a UC Synergetic, LLC), a wholly owned subsidiary of Pike Corporation, as Manager of the Facilities Planning & Siting division;
2. I have read my direct testimony pre-filed with the Public Service Commission of South Carolina in Docket No. 2018-197-E on August 8, 2018, and know the contents thereof, and the contents of said pre-filed direct testimony are true;
3. I authored the Transmission Line Siting and Environmental Report for the Peppanhill -- Summerville 230 kW Line, Williams -- Peppanhill 230 kW Line Segment and Associated Facilities, dated May 2018 and attached to my pre-

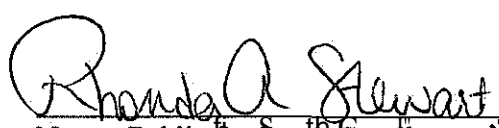
filed direct testimony as Exhibit No. \_\_\_\_ (NVB-1), and the contents of said report  
are true.

FURTHER AFFIANT SAYETH NOT.



\_\_\_\_\_  
Nathan V. Bass, PLA

Sworn to and subscribed before me  
this 11th day of September, 2018



Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

